

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-090290
	:	TRIAL NOS. B-0807641
Plaintiff-Appellee,	:	B-0901116
vs.	:	<i>JUDGMENT ENTRY.</i>
LOUIS PRIMOUS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.<sup>1</sup>

Defendant-appellant Louis Primous pleaded guilty to four counts of forgery in the case numbered B-0807641 and to one count of forgery in the case numbered B-0901116. In exchange for his guilty pleas, the state dismissed one count of forgery and one count of theft in the case numbered B-0807641, as well as one count of receiving stolen property in the case numbered B-0901116. The trial court sentenced Primous to six months in prison for each of the forgery offenses in the case numbered B-0807641 and to six months in prison for the forgery offense in the case numbered B-0901116 and ordered all the sentences to be served consecutively for a total of two and a half years in prison.

On appeal, Primous raises a sole assignment of error in which he argues that the two-and-a-half-year prison sentence imposed by the trial court was inappropriate because it exceeded the maximum sentence for a forgery offense. We disagree.

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<sup>1</sup> See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

Primous was found guilty of four counts of forgery under R.C. 2913.31(A)(3) in the case numbered B-0807641 and one count of forgery under R.C. 2913.31(A)(3) in the case numbered B-0901116. Following the Ohio Supreme Court's decision in *State v. Foster*, trial courts have full discretion to impose a sentence that is within the available statutory range and no longer need to make findings or provide reasons in support of such a sentence. In this case, Primous's sentences were within the available statutory ranges for the offenses.<sup>2</sup> The record, which includes Primous's extensive criminal history, also supports the trial court's imposition of two and a half years' imprisonment. At the time of sentencing, Primous's criminal record spanned 30 years. He had served 12 previous probationary periods under the supervision of the Hamilton County Municipal Court and at least one period of community control through the Hamilton County Common Pleas Court, all of which had been revoked or terminated because of Primous's inability to comply with the court-ordered terms. As a result, we cannot conclude that the trial court's imposition of a two-and-a-half-year prison sentence was excessive.<sup>3</sup> We, therefore, overrule his sole assignment of error and affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., SUNDERMANN and CUNNINGHAM, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on October 14, 2009

per order of the Court \_\_\_\_\_.  
Presiding Judge

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<sup>2</sup> 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470, paragraph seven of the syllabus.

<sup>3</sup> See *State v. Johnson*, 174 Ohio App.3d 130, 2007-Ohio-6512, 881 N.E.2d 289, at ¶16-17.